IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1918 OF 2002

Subhash Laxman Rathod ... Petitioner

Versus

Union of India and Ors. ... Respondents

Mr. J.P. Kharge for Mr. S.V. Sakhare for Petitioner.

Mr. K.B. Rao for Respondents.

CORAM : F.I. REBELLO &
MRS R.S. DALVI,**JJ.**
DATED : NOVEMBER 23, 2005

P.C.

. Rule. By consent heard forthwith.

. The learned counsel holding for Mr. Sahkare seeks adjournment. The matter is second on the board and it is part heard. Hence, application for adjournment rejected.

. The reply is filed by Capt. Jogindersingh. In Paragraph 5, there is reference that the Resurvey Medical Board had opined that disability was aggrevated due to stress and strain of service and

assessed at 40 per cent for two years. The Medical Adviser (Pension) rejected the contention by holding that the invaliding disease was neither attributable to nor aggravated by Military Service. In Paragraph 4 it is set out that the Petitioner was downgraded to LMC'CEE' (pt) for two years with effect from 13.2.1992. The Petitioner expressed his unwillingness to continue in service and OC unit had not recommended further retention. In these circumstance the Petitioner was discharged. We find no case for interference. Petition rejected. Rule discharged.

(F.I. REBELLO,J.)

(MRS. R.S. DALVI,J.)